

Practitioner's Docket No. \_\_\_\_\_

PATENT

IFW

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent application

of \_\_\_\_\_  
Inventor(s)for \_\_\_\_\_  
Title of Invention

OR

In re application of: Billy Slabaugh et al.

Application No.: 10 / 723,417

Group Art Unit: 3673

Filed: 11/25/2003

Examiner: Unknown

For: METHODS FOR PREPARING SLURRIES OF COATED PARTICULATES

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT  
WITHIN THREE MONTHS OF FILING OR  
BEFORE MAILING OF FIRST OFFICE ACTION (37 C.F.R. § 1.97(b))CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\*  
(When using Express Mail, the Express Mail label number is mandatory;  
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I hereby certify that, on the date shown below, this correspondence is being:

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37 C.F.R. § 1.8(a)

37 C.F.R. § 1.10 \*

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## TRANSMISSION

☐ facsimile transmitted to the Patent and Trademark Office, (703) \_\_\_\_\_

Date: 7/8/05

Signature: Tammy Knight

Tammy Knight

(type or print name of person certifying)

\* Only the date of filing (§ 1.8) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.8(c)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

(Transmittal of Information Disclosure Statement Within Three Months of Filing or Before Mailing of First Office Action [B-3]—page 1 of 3)



**NOTE 37 C.F.R. 1.244\***

- (1) Each U.S. patent listed in an information disclosure statement must be identified by inventor, patent number, and issue date
- (2) Each U.S. patent application publication listed in an information disclosure statement shall be identified by applicant, patent application publication number, and publication date
- (3) Each U.S. application listed in an information disclosure statement must be identified by the inventor, application number, and filing date
- (4) Each foreign patent or published foreign patent application listed in an information disclosure statement must be identified by the country or patent office which issued the patent or published the application, an appropriate document number, and the publication date indicated on the patent or published application
- (5) Each publication listed in an information disclosure statement must be identified by publisher, author (if any), title, relevant pages of the publication, date, and place of publication

**WARNING:** No extension of time can be had under 37 C.F.R. § 1.153 (a) or (b) for filing an IDS 37 C.F.R. § 1.07(a)

**NOTE:** The filing date of a national application<sup>1</sup> under 37 C.F.R. § 1.07(b) has two possible meanings. When the filing is a direct one to the United States Patent & Trademark Office, the filing is defined in 37 C.F.R. § 1.55(a) as the date on which (1) A specification containing a description pursuant to § 1.71 and at least one claim pursuant to § 1.73; and (2) any drawing required by § 1.01(f), are filed in the Patent and Trademark Office in the name of the actual inventor or inventors as required by § 1.41.<sup>2</sup> 37 C.F.R. § 1.07(a)(1). On the other hand, an international application that enters the national stage occurs when the applicant has filed the documents and has required by 33 U.S.C. § 371(a) within the period set forth in § 1.404 or § 1.403 33 U.S.C. § 371(a) requires the filing of the following: (1) the basic national fee; (2) a copy of the international application, unless already sent by the International Bureau, and especially an English translation if filed in another language; and, also especially (3) amendments under PCT Article 19, with a translation into English if made in another language; (4) an oath or declaration; and (5) a translation into English of any claims to the International preliminary examination report, if such claims were made in another language. The extended items must be submitted later, with a surcharge 37 C.F.R. § 1.07(a)(2).

**IDENTIFICATION OF TIME OF FILING THE ACCOMPANYING INFORMATION DISCLOSURE STATEMENT**

The information disclosure statement submitted herewith is being filed within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever event occurs last. 37 C.F.R. § 1.07(b).

**NOTE:** The certification or fee is due when the filing is made within the above time period. It is advisable to ensure that no Office action has been mailed if the disclosure statement is delayed until after three months from filing.<sup>3</sup>

**NOTE:** "An information disclosure statement will be considered to have been filed on the day it was received in the Office, or on an earlier date of a mailing if accompanied by a properly executed certificate of mailing under 37 C.F.R. 1.4, or Express Mail certificate under 37 C.F.R. 1.10. An Office action is mailed on the date indicated in the Office action." Notice of April 20, 1992 (1130 O.G. 37-41, 36). See also § 602, M.P.E.P., 6th Edition.

**NOTE:** "The term 'national application' includes continuing applications (continuations, divisions, continuations-in-part) so three-months will be measured from the actual filing date of an application or request [ref] to the effective date of a continuing application." Notice of April 20, 1992 (1130 O.G. 37-41, 36).

**NOTE:** "An action on the merits means an action which treats the patentability of the claims in an application, as opposed to only formal or procedural requirements. An action on the merits would, for example, contain a rejection or indication of allowability of a claim or claims rather than just a restriction requirements (37 C.F.R. 1.142) or just a requirement for additional fees to have a claim considered (37 C.F.R. 1.16(d)). Thus, if an application was filed on Jan. 1 and the first Office action on the merits was not mailed until six months later on July 1, the examiner would be required to consider any proper information disclosure statement filed prior to July 1." Notice of April 20, 1992 (1138 O.G. 37-41, 38).

**WARNING:** "A petition for suspension of action to allow applicant time to submit an information disclosure statement will be denied as failing to present good and sufficient reasons, since 37 C.F.R. § 1.87 provides adequate recourse for the timely submission of prior art for consideration by the examiner." Notice of July 6, 1992 (1141 O.G. 63). But see § 103(b) and (c), limited suspension of action in a continued prosecution application (CPA) filed under § 1.53(d) and in a request for continued examination (RCE) under § 1.114.

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**SIGNATURE OF PRACTITIONER**

Robert A. Kent

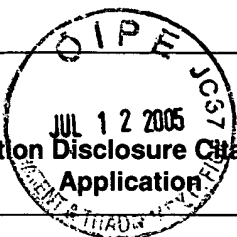
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Duncan, OK 73536-0440

PTO-1449  Information Disclosure Citation in an Application	Application No. 10/723,417	Applicant(s) Billy Slabaugh et al.	
	Docket Number 2003-IP-010444U1	Group Art Unit 3673	Filing Date 11/25/2003



### U.S. PATENT DOCUMENTS

INIT.	DOCUMENT NO.	ISSUE/PUB. DATE	NAME	CLASS	SUBCLASS	FILING DATE
	3,854,533	12/17/74	Gurley et al.	166	276	10/24/73
	5,178,218	01/12/93	Dees	166	281	06/19/91
	5,218,038	06/08/93	Johnson et al.	524	541	11/14/91
	5,520,250	05/28/96	Harry et al.	166	278	08/04/94
	5,948,734	09/07/99	Sinclair et al.	507	219	08/21/98
	6,887,834 B2	05/03/05	Nguyen et al.	507	221	09/05/02
	US 2002/0048676 A1	04/25/02	McDaniel et al.	428	404	02/01/01
	US 2004/0040713A1	03/04/04	Nguyen et al.	166	295	08/28/02
	US 2005/0000731A1	01/06/05	Nguyen et al	175	57	07/03/03

### FOREIGN PATENT DOCUMENTS

INIT.	DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						Yes	No
	EP1398640A1	03/17/04	Europe	E21B	43/267	X	
	WO 05/021928 A2	03/10/05	PCT	E21B	33/138	X	
	GB 1,292,718	10/11/72	United Kingdom	C05G	3/00	X	

### NON-PATENT DOCUMENTS

INIT.	DOCUMENT (Including Author, Title, Source, and Pertinent Pages)	Date

EXAMINER	DATE CONSIDERED
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.	